UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

VOCALSPACE, LLC	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 4:09-CV-00350
	§	
DANIEL D. LORENSO and	§	
LARKSPARK CORPORATION,	§	
	§	
Defendant.	§	

DEFENDANT'S EMERGENCY MOTION TO EXTEND DEADLINE TO FILE RESPONSE TO PLAINTIFFS TWO MOTIONS TO STRIKE DECLARATION OF DANIEL LORENSO AND ON RESPONSE TO MOTION TO RECONSIDER SPOILATION RULING

COMES NOW Defendants Daniel D. Lorenso and Larkspark Corporation and files this Emergency Motion to Extend the deadlines for Defendants Response on Two Motions to Strike Daniel Lorenso's declaration (Docket 162 and 163) and Response to Plaintiff's Motion to Reconsider the Spoliation ruling (Docket 164), respectfully show the following: Defendants have been diligently working on filing their Motion for Summary Judgment on Copyright Invalidity which was filed on time on January 31, 2011. Dockets 162, 163 and 164 all have a response date of January 31, 2011, the same day at the Defendants Motion for Summary Judgment is due on Copyright Invalidity was due. Quite simply, the work to prepare the Motion for summary judgment has consumed the limited resources of the Defendants attorney, a solo attorney, and a little more time is needed to respond to Docket 162, 163, and 164. Defendants expect they will be in a position to file their responses to Dockets 162, 163 and 164 no later than

Friday February 4, 2011 and request an extension until that time. No deadlines should be affected in this case by this request. This request is made in the interests of justice and is not made for delay.

Respectfully submitted,

/s/ Ernest P. Nycz____________

ERNEST P. NYCZ
State Bar No. 24005547
2300 McDermott, Suite 200-369
Plano, Texas 75025
Email: ernie@nycz.com
Phone (972) 377 8191
Fax (214) 853 5905
ATTORNEY FOR DEFENDANTS

CERTIFICATE OF CONFERENCE

I certify that I had a telephone conversation with Opposing Counsel Neal Massand on January 31, 2010, and that he stated the Plaintiff's opposed the Defendants motion to extend. Therefore, this matter is submitted to the Court for a ruling.

/s/ Ernest P. Nycz____________
ERNEST P. NYCZ

CERTIFICATE OF SERVICE

I hereby certify that on January 31, 2010 a true and correct copy of the foregoing Motion to Extend has been electronically filed on the CM/ECF system, and sent via email to Neal Massand (opposing Counsel).

/s/ Ernest P. Nycz____________
ERNEST P. NYCZ